

Under Superior Court Civil Rule 60, the Court shall set aside a judgment if the movant demonstrates that the judgment is void. Default judgments may be considered void where proper service was never affected upon the defendant.¹ “In Delaware, a sheriff’s return is “*prima facie* proof of proper service.”² “Strong and convincing proof is required to rebut the presumption of its verity.”³ Here, Defendant has presented no proof or evidence whatsoever to rebut the presumption of proper service. At the hearing held on March 23, 2018, with regards to this matter, Ms. Ryans made *ad hominem* attacks against Mr. Higdon, and repeated her claim that she never received a summons. The Court finds that Defendant was properly served, and she puts forth no other grounds for setting aside the Judgment.

WHEREFORE, for the foregoing reasons, Defendant’s motion to set aside the judgment is **DENIED**.

IT IS SO ORDERED.

/s/ Noel Eason Primos

Judge

NEP/wjs
Via File&ServeXpress & U.S. Mail
oc. Prothonotary
cc. Iris Ryans
Daniel Conway, Esquire

¹ *Keith v. Melvin L. Joseph Const. Co.*, 451 A.2d 842, 845 (Del. Super. 1982).

² *Alston v. Dipasquale*, 2001 WL 34083824, at *1 (Del. Super. Oct. 19, 2001).

³ *Cohen v. Brandywine Raceway Ass'n*, 238 A.2d 320, 324 (Del. Super. 1968).